

Martin L. Fineman (SBN 104413)
 DAVIS WRIGHT TREMAINE LLP
 505 Montgomery Street, Suite 800
 San Francisco, CA 94111-6533
 Telephone: (415) 276-6575
 Facsimile: (415) 276-6599
 Email: martinfineman@dwt.com

Attorneys for Defendant
 CONTINENTAL VISINET BROADBAND, LLC,
 Erroneously served as CONTINENTAL VISINET BROADBAND, INC.

Alan Himmelfarb [SBN 90480]
 Michael Aschenbrener (admitted *pro hac vice*)
 KAMBEREDELSON, LLC
 2527 Leonis Boulevard
 Vernon, CA 90058
 Telephone: (323) 585-8696

JOSEPH H. MALLEY (admitted *pro hac vice*)
 Law Office of Joseph H. Malley, PC
 1045 North Zang Boulevard
 Dallas, TX 75208
 214-943-6100

Attorneys for Plaintiff
 SUSAN SIMON, individual, on behalf of
 herself and all others similarly situated

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SUSAN SIMON, individual, on behalf of
 herself and all others similarly situated,

Plaintiffs,

v.

ADZILLA, INC. (NEW MEDIA), a Delaware
 Corporation; *et al.*

Defendants.

Case No. C09-00879 MMC (JCS)

**STIPULATION AND ~~PROPOSED~~
 ORDER OF VOLUNTARY
 DISMISSAL WITHOUT PREJUDICE
 OF DEFENDANT CONTINENTAL
 VISINET BROADBAND, LLC**

Date: August 28, 2009
 Time: 9:00 a.m.
 Courtroom: 7, 19th Floor
 Judge: Hon. Maxine M. Chesney

1 IT IS HEREBY STIPULATED by and between:

2 Plaintiff Susan Simon, individual, on behalf of herself and all others similarly situated
3 ("Plaintiff"), and defendant Continental VisiNet Broadband, LLC ("Continental"), through their
4 undersigned counsel, as follows:

5 1. Defendant Continental VisiNet Broadband, LLC shall be, and hereby is, voluntarily
6 dismissed without prejudice by Plaintiff.

7 2. This stipulation will allow the Court to vacate the August 28, 2009 hearing on
8 Continental's Motion to Dismiss.

9 Dated: August 18, 2009

KAMBEREDELSON, LLC

11 By: s/ Michael J. Aschenbrener
12 MICHAEL J. ASCHENBRENER

13 Attorneys for Plaintiff

14
15 Dated: August 18, 2009


DAVIS WRIGHT TREMAINE, LLP

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17 By: s/ Martin L. Fineman
18 MARTIN L. FINEMAN

19 Attorneys for Defendant
Continental VisiNet Broadband, LLC

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21 PURSUANT TO STIPULATION, IT IS SO ORDERED that defendant Continental
22 VisiNet Broadband, LLC shall be, and hereby is, voluntarily dismissed without prejudice by
23 Plaintiff and the hearing on Continental's Motion to Dismiss, currently scheduled for August 28,
24 2009, is hereby vacated.

25 Dated: August 18, 2009

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HON. MAXINE M. CHESNEY
UNITED STATES DISTRICT JUDGE